

FIFTY-FOURTH DAY

FRIDAY, APRIL 22, 2005

PROCEEDINGS

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos, Harris, Van de Putte.

The President announced that a quorum of the Senate was present.

The Reverend Albert Laforet, Saint Mary's Cathedral, Austin, offered the invocation as follows:

Almighty God, source of all love and truth, we come seeking Your wisdom, knowledge, and understanding. May You grant us these gifts so that the work of this assembly might benefit all the people of our state. May Your blessings come to all who work here and to all the people of the State of Texas. We trust in Your mercy and goodness. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Gallegos was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Harris was granted leave of absence for today on account of illness.

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of family business.

CO-AUTHOR OF SENATE BILL 604

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 604**.

CO-AUTHOR OF SENATE BILL 852

On motion of Senator Shapleigh, Senator Seliger will be shown as Co-author of **SB 852**.

CO-AUTHOR OF SENATE BILL 856

On motion of Senator Van de Putte, Senator Madla will be shown as Co-author of **SB 856**.

CO-AUTHOR OF SENATE BILL 857

On motion of Senator Van de Putte, Senator Madla will be shown as Co-author of **SB 857**.

CO-AUTHOR OF SENATE BILL 858

On motion of Senator Van de Putte, Senator Madla will be shown as Co-author of **SB 858**.

CO-AUTHOR OF SENATE BILL 1538

On motion of Senator Barrientos, Senator West will be shown as Co-author of **SB 1538**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 22, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 4, Relating to the use of technology and the purchase of instructional materials by public schools.

HB 168, Relating to the hours for selling alcoholic beverages at certain events.

HB 240, Relating to the right of an adopted person to have access to the person's original birth certificate.

HB 308, Relating to discipline in public schools and the assignment of certain public school students involved in a sexual assault.

HB 384, Relating to placement of a child with a noncustodial parent or relative to further the best interest of the child.

HB 492, Relating to personal finance education as a requirement for graduation from public high school.

- HB 599**, Relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.
- HB 600**, Relating to erecting certain signs on certain rights-of-way; providing penalties.
- HB 657**, Relating to terminating the parent-child relationship of a parent convicted of certain crimes.
- HB 695**, Relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.
- HB 880**, Relating to attorney general review of certain contracts for health care purposes.
- HB 883**, Relating to the disposition of abandoned watercraft and the construction of, and donation of materials for, artificial reefs.
- HB 968**, Relating to the creation of an additional judicial district in Travis County.
- HB 1174**, Relating to attorney's fees and costs in a proceeding to enforce an order for the possession of or access to a child.
- HB 1182**, Relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.
- HB 1253**, Relating to projects that may be undertaken by certain development corporations for career centers.
- HB 1287**, Relating to county abatement of a public nuisance.
- HB 1567**, Relating to the transition to competition of certain electric utilities outside of ERCOT.
- HB 1601**, Relating to the use of interpreter services in a criminal case.
- HB 1677**, Relating to establishing a sentinel surveillance program for respiratory syncytial virus.
- HB 1734**, Relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.
- HB 1752**, Relating to the regulation of germicidal treatment of certain bedding, materials, and upholstered items.
- HB 1855**, Relating to the deletion of certain electronic records concerning a customer who issues a check; providing a civil penalty.
- HB 1912**, Relating to rates for medical services provided by the Department of Assistive and Rehabilitative Services.
- HB 1970**, Relating to reports and investigations of child abuse and neglect.
- HB 2021**, Relating to the identification and administration of land located in a future transportation corridor of a county.
- HB 2039**, Relating to the adjudication of claims arising under written contracts with local governmental entities.

HB 2217, Relating to the management of public school land and the permanent school fund.

HB 2297, Relating to penalties for repeat and habitual misdemeanor offenders.

HB 2475, Relating to a cervical cancer initiative.

HB 2510, Relating to the regulation of on-site sewage disposal systems and the maintenance of those systems; imposing administrative and criminal penalties.

HB 2553, Relating to the publication of mobile service customer telephone numbers by commercial mobile service providers; providing a civil penalty.

HB 2604, Relating to preferences for veterans in state-funded job training or employment assistance programs and services.

HB 3017, Relating to the procedure for initiating and the award of certain costs in eminent domain proceedings.

HCR 4, Congratulating Dr. Richard Michael Bennett on his retirement as principal of Monterey High School in Lubbock.

HCR 9, Honoring Green Acres Baptist Church in Tyler on its 50th anniversary.

HCR 110, Commemorating the 75th anniversary of the discovery of the East Texas Oil Field on October 3, 1930.

HCR 116, Recognizing May 24, 2005, as Aviation Maintenance Technician Day in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Duncan was recognized and presented Dr. Patrick Hanford of Lubbock as the Physician of the Day.

The Senate welcomed Dr. Hanford and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 655

Senator Nelson offered the following resolution:

WHEREAS, The Texas Senate takes great pride in recognizing the members of Leadership Lewisville from Lewisville, Texas; and

WHEREAS, Sponsored by the Lewisville Chamber of Commerce, Leadership Lewisville is part of the Chamber's Community Development Division; and

WHEREAS, The goals of Leadership Lewisville include providing a unique educational experience for those who participate and helping them to develop their leadership skills and motivating emerging leaders and helping them to acquire a working knowledge of the community; and

WHEREAS, Anyone who works or resides in the greater Lewisville area is eligible to apply for admission to the program; and

WHEREAS, Managed by the Leadership Lewisville Steering Committee, the program requires students to attend one school board meeting and one city council meeting during the nine-month session; and

WHEREAS, Learning the inner workings of private and public institutions and finding how and where one might make contributions to the community are the desired ends of Leadership Lewisville; and

WHEREAS, The class of 20 to 30 members is chosen without regard to race, gender, age, education, or personal or employment affiliations; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Leadership Lewisville for its innovative and thorough approach to preparing citizens for prominent roles in their community; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Leadership Lewisville as an expression of high regard from the Texas Senate.

NELSON
HARRIS

SR 655 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of Leadership Lewisville from Lewisville.

The Senate welcomed its guests.

SENATE RESOLUTION 674

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Catholic Daughters of the Americas for over 100 years of service to the church, our state, and the communities of the world; and

WHEREAS, The Catholic Daughters of the Americas was founded in New York in 1903 by the Knights of Columbus as a charitable, benevolent, and patriotic sorority for Catholic ladies; originally known as the national order of the Daughters of Isabella, the organization is dedicated to the principles of unity and charity; within five years of its inception, the organization had grown from a membership of less than 100 to more than 10,000 women in 69 cities in 18 states; and

WHEREAS, The Daughters made major contributions to the war efforts during World Wars I and II, serving as nurses, teaching classes for the Red Cross, staging parties to entertain the troops, donating blood, and helping the Knights of Columbus raise funds to benefit servicemen; and

WHEREAS, The organization changed its name to the Catholic Daughters of America in 1921; shortly thereafter, it severed ties with the Knights of Columbus and became more actively involved with community life, social work, literary endeavors, missionary work, and legislative matters; and

WHEREAS, Bishop Fulton J. Sheen addressed the group as the Catholic Daughters of the World in 1952, and soon thereafter, the organization changed its name to the Catholic Daughters of the Americas; today, it has nearly 95,000 members in 1,400 courts in the United States, Mexico, the Dominican Republic, Puerto Rico, Saipan, Guam, and the Virgin Islands; and

WHEREAS, In addition to its many local programs, Catholic Daughters of the Americas supports a number of projects on the national level that include disaster relief, chaplain training, emergency housing, Mother Teresa's missionaries, help for the aging population, scholarships for teachers of exceptional children, and family rosary programs; and

WHEREAS, The 207 local courts in Texas continue the exemplary work of the Catholic Daughters of the Americas under the state leadership of Dee Scheetz, regent; Olga Samaniego, first vice regent; Carolyn Bachmann, second vice regent; Sheila Martinka, secretary; Della Santos, treasurer; and Most Reverend Gregory Aymond, chaplain; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby pay tribute to members of the Catholic Daughters of the Americas for over a century of dedication and commitment to service and commend members of the Texas courts for their many contributions to the citizens of this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this organization as an expression of high regard from the Texas Senate.

SR 674 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate representatives of the Catholic Daughters of the Americas: Levina Davila, Celeste Paschall, and Zulema Esparza.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 148, SB 239, SB 581, HCR 146, HCR 151.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President at 10:00 a.m. announced the conclusion of morning call.

**SENATE CONCURRENT RESOLUTION 14
ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SCR 14** at this time on its second reading:

SCR 14, Granting certain persons permission to sue the State of Texas, The University of Texas Medical Branch at Galveston, and the Anatomical Board of the State of Texas.

The motion prevailed by the following vote: Yeas 19, Nays 7, Present-not voting 1.

Yeas: Armbrister, Carona, Deuell, Ellis, Eltife, Fraser, Hinojosa, Jackson, Lucio, Madla, Nelson, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Brimer, Estes, Janek, Lindsay, Ogden, Seliger.

Present-not voting: Barrientos.

Absent: Duncan.

Absent-excused: Gallegos, Harris, Van de Putte.

The resolution was read second time.

Senator Janek offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SCR 14** by adding the following new resolving clauses (page 2, between line numbers 63 and 64, Senate committee printing):

RESOLVED, That the aggregate of all amounts awarded in the suits authorized by this resolution, including damages, court costs, attorney's fees, and prejudgement interest awarded under law, may not exceed \$1,000,000, the plaintiffs may not plead relief in excess of that amount in a suit authorized by this resolution, and this is the total aggregate amount that may be recovered by the persons named in this resolution with respect to any and all causes of action, including breach of contract, that relate to or arise from the facts and circumstances described in this resolution; and be it further

RESOLVED, That the payment of any amount awarded in a suit authorized by this resolution is contingent on appropriations for that purpose; and be it further

The amendment was read.

Senator Wentworth moved to table Floor Amendment No. 1.

The motion to table was lost by the following vote:

Yeas 12, Nays 15, Present-not voting 1.

Yeas: Armbrister, Carona, Ellis, Eltife, Hinojosa, Lucio, Madla, Shapiro, Shapleigh, Wentworth, West, Whitmire.

Nays: Averitt, Brimer, Deuell, Duncan, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Staples, Williams, Zaffirini.

Present-not voting: Barrientos.

Absent-excused: Gallegos, Harris, Van de Putte.

Question recurring on the adoption of Floor Amendment No. 1 to **SCR 14**, the amendment was adopted by the following vote: Yeas 15, Nays 12, Present-not voting 1.

Yeas: Averitt, Brimer, Deuell, Duncan, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Staples, Williams, Zaffirini.

Nays: Armbrister, Carona, Ellis, Eltife, Hinojosa, Lucio, Madla, Shapiro, Shapleigh, Wentworth, West, Whitmire.

Present-not voting: Barrientos.

Absent-excused: Gallegos, Harris, Van de Putte.

SCR 14 as amended was adopted by the following vote: Yeas 22, Nays 5, Present-not voting 1.

Yeas: Armbrister, Averitt, Carona, Deuell, Duncan, Ellis, Eltife, Fraser, Hinojosa, Jackson, Lucio, Madla, Nelson, Seliger, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Estes, Janek, Lindsay, Ogden.

Present-not voting: Barrientos.

Absent-excused: Gallegos, Harris, Van de Putte.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate students from Pillow Elementary School in Austin, accompanied by their teachers.

The Senate welcomed its guests.

SENATE BILL 896 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 896** at this time on its second reading:

SB 896, Relating to the powers and duties of and the appointment of certain election officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

SENATE BILL 896 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 896**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 896** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

(Senator Armbrister in Chair)

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1714 ON SECOND READING**

On motion of Senator Estes, on behalf of Senator Van de Putte, and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1714** at this time on its second reading:

CSSB 1714, Relating to the operation of certain employment programs for veterans of the armed forces of the United States.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1714** by striking Section 1 of the bill (Senate committee printing page 1, lines 13-39), substituting the following appropriately numbered sections of the bill, and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 434.007, Government Code, is amended to read as follows:

Sec. 434.007. DUTIES. (a) The commission shall:

(1) compile federal, state, and local laws enacted to benefit members of the armed forces, veterans, and their families and dependents;

- (2) collect information relating to services and facilities available to veterans;
- (3) cooperate with veterans service agencies in the state;
- (4) inform members and veterans of the armed forces, their families and dependents, and military and civilian authorities about the existence or availability of:
- (A) educational training and retraining facilities;
 - (B) health, medical, rehabilitation, and housing services and facilities;
 - (C) employment and reemployment services;
 - (D) provisions of federal, state, and local law affording rights, privileges, and benefits to members and veterans of the armed forces and their families and dependents; and
 - (E) other similar, related, or appropriate matters;
- (5) assist veterans and their families and dependents in presenting, proving, and establishing claims, privileges, rights, and benefits they may have under federal, state, or local law;
- (6) cooperate with all government and private agencies securing services or benefits to veterans and their families and dependents;
- (7) investigate, and if possible correct, abuses or exploitation of veterans or their families or dependents, and recommend necessary legislation for full correction;
- (8) coordinate the services and activities of state departments and divisions having services and resources affecting veterans or their families or dependents; ~~and~~
- (9) provide training and certification of veterans county service officers and assistant veterans county service officers in accordance with Section 434.038; and
- (10) operate programs in this state to enhance the employment opportunities of veterans of the armed forces of the United States, including the employment program funded under Chapters 41 and 42, Title 38, United States Code.

(b) The programs described by Subsection (a)(10) must exclusively enhance the employment opportunities of eligible veterans, and the services provided under those programs must be provided by state employees. A state employee providing services under Subsection (a)(10) may only provide services to veterans.

SECTION _____. Section 302.021(b), Labor Code, is amended to read as follows:

(b) In addition to the programs consolidated under the authority of the commission under Subsection (a), the commission shall administer:

(1) ~~programs in this state to enhance the employment opportunities of veterans of the armed services of the United States, including the employment program funded under Chapters 41 and 42, Title 38, United States Code;~~

~~(2)~~ child-care services provided under Chapter 44, Human Resources Code; and

~~(3)~~ programs established in this state through federal funding to conduct full service career development centers and school-to-work transition services.

The amendment to **CSSB 1714** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Estes, on behalf of Senator Van de Putte, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1714 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1714 ON THIRD READING**

Senator Estes, on behalf of Senator Van de Putte, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1714** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1714**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1714** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 684 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 684** at this time on its second reading:

CSSB 684, Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 684**, committee printing, in SECTION 1 of the bill, on page 1, between lines 58 and 59, by adding subsection (d) to Section 242.052, Local Government Code, to read as follows:

(d) The authority granted under this section does not authorize the commissioners court or governing body to adopt an order that limits or otherwise impairs the rights of individuals or entities in the exploration, development, or production of oil, gas, or other minerals.

The amendment to **CSSB 684** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 684 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 684 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 684** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 684**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 684** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

COMMITTEE SUBSTITUTE
SENATE BILL 1229 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 1229** at this time on its second reading:

CSSB 1229, Relating to the powers and duties of the Texas Workforce Commission, including the administration of unemployment compensation; providing a penalty.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Ellis, Eltife, Estes, Fraser, Jackson, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Whitmire, Williams.

Nays: Barrientos, Hinojosa, Shapleigh, Zaffirini.

Absent: Duncan, Janek.

Absent-excused: Gallegos, Harris, Van de Putte.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Barrientos, Hinojosa, Shapleigh, Zaffirini.

Absent-excused: Gallegos, Harris, Van de Putte.

COMMITTEE SUBSTITUTE
SENATE BILL 1229 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1229** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, West, Whitmire, Williams.

Nays: Barrientos, Hinojosa, Shapleigh, Wentworth, Zaffirini.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1229**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1229** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Whitmire, Williams.

Nays: Barrientos, Hinojosa, Shapleigh, Zaffirini.

Absent-excused: Gallegos, Harris, Van de Putte.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate members of Las Comadres para Las Americas: Gloria Chavez Casas, Coordinator; Connie Solar, and Paula Vargas.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 343 ON SECOND READING**

Senator Brimer moved to suspend the regular order of business to take up for consideration **CSSB 343** at this time on its second reading:

CSSB 343, Relating to county authority to regulate the placement of water wells in unincorporated areas of the county; providing a penalty.

The motion prevailed.

Senator Staples asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 343**, committee printing, in SECTION 1 of the bill, as follows:

- (1) On page 2, line 32, strike "or".
- (2) On page 2, line 34, after "District" strike ":" and add "; or".
- (3) On page 2, between lines 34 and 35, add new subsection (4) to read as follows:

(4) incident to the exploration, development, or production of oil, gas, or other minerals.

The amendment to **CSSB 343** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Brimer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 343 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Staples.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 343 ON THIRD READING**

Senator Brimer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 343** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, West, Whitmire, Williams, Zaffirini.

Nays: Staples, Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 343**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 343** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Staples.

Absent-excused: Gallegos, Harris, Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 330 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 330** at this time on its second reading:

CSSB 330, Relating to stroke treatment and the designation of certain facilities as stroke facilities; providing an administrative penalty.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 330** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 773.001, Health and Safety Code, is amended to read as follows:

Sec. 773.001. SHORT TITLE. This chapter may be cited as the Emergency Health Care ~~Medical Services~~ Act.

SECTION 2. Section 773.003, Health and Safety Code, is amended by amending Subdivision (7) and adding Subdivision (15-a) to read as follows:

(7) "Department" means the ~~Texas~~ Department of State Health Services.

(15-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION 3. Chapter 773, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. EMERGENCY STROKE SERVICES

Sec. 773.201. LEGISLATIVE INTENT. The legislature finds that a strong system for stroke survival is needed in the state's communities in order to treat stroke victims in a timely manner and to improve the overall treatment of stroke victims. Therefore, the legislature intends to construct an emergency treatment system in this state so that stroke victims may be quickly identified and transported to and treated in appropriate stroke treatment facilities.

Sec. 773.202. DEFINITIONS. In this subchapter:

(1) "Advisory council" means the advisory council established under Section 773.012.

(2) "Stroke committee" means the committee appointed under Section 773.203.

(3) "Stroke facility" means a health care facility designated under this subchapter that is capable of primary or comprehensive treatment of stroke victims and that is part of an emergency medical services and trauma system.

Sec. 773.203. STROKE COMMITTEE. (a) The advisory council shall appoint a stroke committee to assist the advisory council in the development of a statewide stroke plan.

(b) The stroke committee must include the following members:

(1) a licensed physician appointed from a list of physicians eligible for accreditation from the Accreditation Council for Graduate Medical Education, recommended by a statewide organization of neurologists;

(2) a licensed interventional neuroradiologist appointed from a list of neuroradiologists recommended by a statewide organization of radiologists;

(3) a neurosurgeon with stroke expertise;

(4) a member of the Texas Council on Cardiovascular Disease and Stroke who has expertise in stroke care;

(5) a licensed physician appointed from a list of physicians recommended by a statewide organization of emergency physicians;

(6) a neuroscience registered nurse with stroke expertise; and

(7) a volunteer member of a nonprofit organization specializing in stroke treatment, prevention, and education.

(c) Chapter 2110, Government Code, does not apply to the stroke committee.

Sec. 773.204. DUTIES OF STROKE COMMITTEE; DEVELOPMENT OF STROKE PLAN. (a) The advisory council, with the assistance of the stroke committee and in collaboration with the Texas Council on Cardiovascular Disease and Stroke, shall develop a statewide stroke plan and assist the department in developing stroke facility designation criteria.

(b) The stroke plan must include:

(1) training requirements on stroke recognition and treatment, including emergency screening procedures;

(2) a list of appropriate early treatments to stabilize patients;

(3) protocols for rapid transport to a designated facility when rapid transport is appropriate; and

(4) plans for coordination with statewide agencies or committees on programs for stroke prevention and community education regarding stroke.

Sec. 773.205. STROKE FACILITY DESIGNATION. (a) The department shall designate stroke facilities that are a part of an emergency medical services and trauma care system in accordance with rules adopted by the executive commissioner.

(b) A health care facility may apply to the department for designation as a stroke facility, and the department shall grant the designation if the facility meets the requirements for designation.

(c) The executive commissioner shall adopt rules regarding the criteria necessary for a health care facility to be designated a stroke facility. In adopting the rules, the executive commissioner shall consult the criteria for stroke facilities established by national medical organizations such as the Joint Commission on Accreditation of Healthcare Organizations.

(d) The department may not set an arbitrary limit on the number of health care facilities designated as stroke facilities.

(e) The rules for designation must require a health care facility to:

(1) have a health care professional available 24 hours a day, seven days a week who is knowledgeable about stroke care and capable of carrying out acute stroke therapy; and

(2) record patient treatment and outcomes.

Sec. 773.206. USE OF DESIGNATION. After September 1, 2007, a health care facility may not use the term "stroke facility," "stroke hospital," or "stroke center" or similar terminology in its signs or advertisements or in printed materials and information the health care facility provides to the public unless the health care facility has been designated a stroke facility in accordance with this subchapter.

Sec. 773.207. FEES. (a) The department shall charge a fee in accordance with this section to a health care facility that applies for initial or renewal designation as a stroke facility.

(b) To the extent feasible, the department shall establish a schedule of fees as necessary for the department to recover the cost directly related to designation of stroke facilities under this subchapter.

(c) The department shall determine the amount of the fee for initial or renewal designation for a health care facility according to the number of beds in the facility.

Sec. 773.208. DENIAL, SUSPENSION, OR REVOCATION OF DESIGNATION. (a) The department may deny, suspend, or revoke a health care facility's designation as a stroke facility if the facility fails to comply with the rules adopted under this subchapter.

(b) The denial, suspension, or revocation of a designation by the department and the appeal from that action are governed by the department's rules for a contested case hearing and by Chapter 2001, Government Code.

Sec. 773.209. GRANT PROGRAMS. (a) The department shall establish programs to award grants to initiate, expand, maintain, and improve stroke care in accordance with Subsections (b) and (c).

(b) The department by rule shall establish eligibility criteria for awarding grants to rural health care facilities located in counties with a population of less than 250,000. The rules must require the grant recipient to use grant funds only to:

(1) hire medical personnel trained in acute stroke care;

(2) purchase medical equipment related to the diagnosis, treatment, or prevention of stroke; and

(3) facilitate training in stroke care.

(c) The department by rule shall establish eligibility criteria for awarding grants to assist designated stroke facilities to maintain the designation. The rules must require the grant recipient to use grant funds only to:

(1) purchase supplies, equipment, or vehicles for stroke diagnosis, treatment, or prevention;

(2) pay designated stroke facility operating expenses;

(3) cover stroke education and training expenses;

(4) purchase communication systems used in emergency medical services;

(5) promote public awareness of stroke warning signs, emergency treatment, and prevention; or

(6) cover the costs of uncompensated care related to stroke.

(d) The department by rule must require each recipient of a grant under Subsection (c) to:

(1) engage in stroke awareness campaigns;

(2) create stroke education materials aimed at low-income or minority populations at risk of stroke; and

(3) provide mentoring for health care facilities seeking stroke facility designation.

(e) Money in the fund for emergency medical services, trauma facilities, and trauma care systems established under Section 773.006 and money in the designated trauma facility and emergency medical services account established under Chapter 780 may not be used to fund the grant programs under this subchapter.

(f) The department may use funds appropriated for the grant programs to pay for administrative expenses incurred in implementing the grant programs as provided by the General Appropriations Act.

SECTION 4. Section 411.110(a), Government Code, is amended to read as follows:

(a) The [~~Texas~~] Department of State Health Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license or certificate under the Emergency Health Care [~~Medical Services~~] Act (Chapter 773, Health and Safety Code);

(2) an owner or manager of an applicant for an emergency medical services provider license under that Act; or

(3) the holder of a license or certificate under that Act.

SECTION 5. (a) Not later than January 1, 2006, the advisory council established under Section 773.012, Health and Safety Code, shall establish a stroke committee as required by Section 773.203, Health and Safety Code, as added by this Act.

(b) Not later than January 1, 2007, the advisory council established under Section 773.012, Health and Safety Code, shall develop a statewide stroke plan and assist the Department of State Health Services in developing criteria for stroke facility designation as required by Section 773.204, Health and Safety Code, as added by this Act.

(c) Not later than January 1, 2007, the executive commissioner of the Health and Human Services Commission shall adopt rules governing the designation of stroke facilities as required by Section 773.205, Health and Safety Code, as added by this Act.

(d) A health care facility may apply for designation as a stroke facility on or after January 2, 2007.

SECTION 6. This Act takes effect September 1, 2005.

The amendment was read.

Senator Deuell offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 330** at page 6, between lines 11 and 12 by adding a new subsection (g) to read as follows:

The department may only use funds for the grants described in this section specifically appropriated by the Legislature for this purpose.

The amendment to Floor Amendment No. 1 to **CSSB 330** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 330**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 330 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 330 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 330** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 330**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 330** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1481 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1481** at this time on its second reading:

CSSB 1481, Relating to loans for economic development and infrastructure projects to assist defense communities affected by military base realignment.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1481** as follows:

(1) By inserting in subsection (a) of Sec. 436.1531. of the bill (committee printing page one, line 23) the following after community:
as a result of the United States Department of Defense 2005 base realignment process.

(2) By inserting between Defense and base in subsection (a) of Sec. 426.1532. of the bill (committee printing page 2, line 7) 2005.

The amendment to **CSSB 1481** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1481 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1481 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1481** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1481**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1481** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 788 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 788** at this time on its second reading:

CSSB 788, Relating to eligibility for certain unemployment compensation benefits.

The motion prevailed by the following vote: Yeas 18, Nays 8.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Eltife, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Lucio, Madla, Shapleigh, West, Whitmire, Zaffirini.

Absent: Duncan, Hinojosa.

Absent-excused: Gallegos, Harris, Van de Putte.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Barrientos, Ellis, Lucio, Madla, Shapleigh, West, Whitmire, Zaffirini.

Absent: Duncan, Hinojosa.

Absent-excused: Gallegos, Harris, Van de Putte.

REMARKS ORDERED PRINTED

On motion of Senator Barrientos and by unanimous consent, all of the remarks regarding **CSSB 788** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Williams: Members, this makes some changes in the unemployment insurance law that will remove a perverse incentive to remain unemployed that we have under current law, motivate workers to return to their jobs more quickly, and help protect the solvency of the unemployment insurance trust fund.

Senator West: And I just want to kind of slow it down. Senator Williams, in terms of the bill, let's just kind of go through the particulars as to how this is going to change existing law.

Senator Williams: Be glad to do that.

Senator West: OK.

Senator Williams: Under current law, the Texas Workforce Commission pays the worker's first week of unemployment, called the waiting week, after the worker's collected benefits for three later weeks of unemployment, and I think this is the main thing that the bill seeks to do is to correct this which is a perverse incentive for someone, once they're unemployed to stay unemployed for three weeks so they can collect that additional week of unemployment. It's an incentive for workers to remain off work for at least those four weeks because they'll be paid double when they get to the fourth week. The bill will remove that inappropriate incentive without reducing the total amount of benefits that individuals are eligible to receive. They'll still collect the same amount of money, but that waiting week will be paid at the end of the normal unemployment benefit period instead of during the fourth week. The purpose of having the waiting week is to make sure that a worker is truly unemployed, but by paying for the waiting week the Texas current law undermines that test and this brings us into line with most of the other states. Twenty-nine other states do not pay unemployment benefits for that waiting week. Of the largest states in the country, we'll be joining California, Florida, Illinois, New York, Ohio, and Pennsylvania, who'll treat this the same way that we're doing it once this bill is passed.

Senator West: And maybe I don't understand, and I'm sorry I didn't have the opportunity to ask you about this—

Senator Williams: Sure, no problem.

Senator West: Important bill. And, so we're saying that there's some abuse that's going on right now?

Senator Williams: No, that's not what I'm saying at all with this bill.

Senator West: OK.

Senator Williams: What this bill, I think the way we have structured our benefits in Texas, it creates an incentive for someone to stay off work for four weeks because they get paid double for the fourth week. We pay the waiting week, that initial week that they have to wait before they're eligible for benefits, we pay that, the fourth week, along with their regular benefit. So it's a disincentive to go back to work. It's also, this legislation will help protect our unemployment trust fund. It has, if you'll look at the fiscal note, you'll see it has a positive effect of about \$104 million over the biennium, about \$51 or \$52 million per year in '06 and '07. That's additional federal money that we'll be able to pull down because of the passage of this bill. So I think it has a positive effect, and it doesn't negatively impact employees, Senator West. The unemployed person who's collecting the unemployment benefits, their total benefits do not change. They'll collect that week at the end instead of in the fourth week.

Senator West: At the end of their—

Senator Williams: Yes, Sir.

Senator West: Unemployment period. Is that what you're saying?

Senator Williams: That's correct. There'll be an extra week that's paid at the end instead of having that paid at the fourth week, which is what current practice is.

Senator West: OK, so help me understand this a little bit better. As it relates to unemployment benefits, if a person is just off for four weeks, then they would be able to get that waiting week on the fourth week under this bill, or how would that work?

Senator Williams: Well, if they're off for four weeks—

Senator West: And they find a job.

Senator Williams: And if this bill passes, what they'll get is three weeks. If they're off for two weeks, they'll get, you know, they'll get one week because you're going to have a one-week deductible that we have now, but we're paying that in the fourth week. Instead of paying it in the fourth, we'll pay it at the end. So the total amount of benefits that someone's eligible for does not change, it's just not going to be paid twice in the fourth week, which is what we do now.

Senator West: So when would it be paid then? When you go back to work?

Senator Williams: No. It would be paid at the end of the benefit period. If they're unemployed for the whole—

Senator West: So you'd have to be—

Senator Williams: Benefit period.

Senator West: You'd have to be—

Senator Williams: We're moving it, the payment for the waiting week is being moved from the fourth week to the last week of their eligible benefits.

Senator West: All right, so, now maybe I understand this. So you'd have to be unemployed for seven weeks before you could collect the first week of the, the waiting period.

Senator Williams: No. What I'm saying is, you don't collect benefits for the first week right away and you don't collect them on the fourth week. That's what this bill does.

Senator West: OK, but when do you collect them, though? I mean, if a person is unemployed? All right, what's the maximum? Help educate me on this.

Senator Williams: You know, Senator West, I'm not, I can find out, I don't know what the maximum benefit period is, off the top of my head. I'll be glad to try to get that for you if that's important to you.

Senator West: So—

Senator Williams: We're not changing—

Senator West: But—

Senator Williams: What the maximum benefit is.

Senator West: I'm trying to figure out, when do you get the money for the waiting period?

Senator Williams: Senator West, I—

Senator West: You said at the end of the—

Senator Williams: Let me, I think, maybe I can get directly to your point. They're not going to collect the benefits for that waiting week until they've exhausted all their other benefits. That week is intended to be a test of whether someone is truly unemployed or not. We're not doing that. We're one, there're 29 other states that do it the way we do right now, and we're leaving about \$104 million of federal money on the table every biennium that our unemployment insurance trust fund would be eligible for that we can't collect because of the way we have this benefit structured now. So if you're unemployed for five weeks or four weeks, you're going to collect less money with this bill passing. But if you're, I think that's what you're getting at. But if you're unemployed for whatever that entire benefit period is, and I'm not sure, I can't tell you, off the top of my head, what it is. I'll be glad to go check real quickly. But if you're unemployed for the total period that would exhaust your benefits, you still collect the same amount of money.

Senator West: But you have to be unemployed for the total—

Senator Williams: That's correct.

Senator West: Period that would exhaust your benefits before you could get the first week.

Senator Williams: That's correct.

Senator West: So anything less than that you don't get your first week?

Senator Williams: That's correct.

Senator West: And that's being done by 29 other states?

Senator Williams: That's correct, including six states that we compare ourselves to a lot. California, Florida, Illinois, New York, Ohio, and Pennsylvania are six other large states that do this the same way that we do.

Senator West: And the purpose, the policy purpose for doing this is because we believe there, that it incentivizes persons to stay off an extra week?

Senator Williams: I, there's two reasons, Senator West. I think the first reason is the one that you mentioned. I think it's a, once you have someone unemployed, because we pay this in the fourth week, and they'll collect double in that fourth week, it's a perverse incentive for the unemployed, some unemployed people to not go back to work until they've been unemployed for four weeks because they'll maximize their benefits. By moving that to the end of the benefit period, I think you're taking that

incentive away for someone to go back to work right away. And the second reason that I'm offering this legislation is because it's going to help us maximize the federal money that we draw down for our unemployment trust fund here in Texas.

Senator West: And Senator Williams, I understand what you're doing, but—

(Pause)

Senator West: OK, and, Senator Williams, are we presupposing that a person would stay off an extra week in order to get a week of benefits for unemployment? It seems as though, I mean, that people are trying to, those persons that are unemployed are trying to find a job and needless to say they have bills just like everyone else and what this bill does is require them to exhaust all of their unemployment benefits before they can get that waiting week period. And we're talking about persons that may very well be unable to find a job. That's essentially what we're talking about and they're doing, now, let me ask you this question. Before you can get unemployment benefits, as a condition of getting unemployment benefits, you have to be actively seeking employment, is that correct?

Senator Williams: That's my understanding.

Senator West: And there may very well be some other requirements, too, that I'm not familiar with.

Senator Williams: I'm sure there are.

Senator West: Are you familiar with any of them?

Senator Williams: I can't give them to you chapter and verse. But I know the primary consideration is the one that you named that you have to be actively seeking employment.

Senator West: OK. And, so if a person has a family and they're the head of the household and they've been unfortunate to be laid off because of a RIF or something like that, part of their revenue source is unemployment insurance, is that correct?

Senator Williams: That's part of the benefits that they're provided, and what we're attempting to do here is treat that initial week as 29 other states do. It is, in essence, I think of it like a deductible on your unemployment insurance. You, the first week you don't get paid for. And, so that, and somewhere along the way we, and it's been this way for some time here in Texas, you collect that in the fourth week. So you get paid double in the fourth week.

Senator West: Well you're not, you say you get paid, excuse me, you don't get paid, you get paid double, but you, you're getting paid for the week that's kind of in the hole, so to speak, right?

Senator Williams: Well, and it's not in the hole anymore. So I'd say you're getting paid double on it.

Senator West: OK. But, I mean, you're getting paid for that waiting week, which is actually that first week.

Senator Williams: Right.

Senator West: OK. So even though you're getting paid, you're getting paid double benefits in that fourth week because you didn't get paid the benefits for that first week. But during that whole period of time you are out seeking employment, and it just so happened on that fourth week you haven't been able to get a job, basically, and what you're saying is, if this bill becomes law, that, regardless, you would have to exhaust all of your employment benefits in order to receive the monies from the waiting week.

Senator Williams: And what I would argue with, what I would, my point about what you're saying is that it would be more valuable to that person after they had been unemployed for a longer period of time than a month. OK? Because they're going to really need the money at the end of that period if they've been unemployed. And, Senator West, what I'd like to do is just share with you a copy, and with the other Members here, that I have from Larry Temple, the Executive Director, this is a letter sent to Larry Temple, the Executive Director of the Texas Workforce Commission, from Joseph Juarez, who's the regional administrator for the United States Department of Labor. And it's a lengthy letter but the essence of what we're trying to accomplish is in this paragraph. It says, this means that states may not be reimbursed for the federal share portion of the first week of the unemployment benefit if the state law does not require a non-compensable waiting week during its regular benefit program. Because Senate Bill 788 provides for the payment of unemployment compensation for the waiting week of certain individuals, if the bill was enacted, Texas would not be eligible for the reimbursement of all that. We've addressed all that in the bill. So what we're doing is, if you'll look at the fiscal note that we've got on our committee substitute, the main purpose of this is, it's going to protect employees and taxpayers and employers by helping draw more federal money down for unemployment insurance. The way we have this program structured right now, we're not being reimbursed for that week because it was the intent of the federal program that that first week be non-compensable at the beginning of the benefit period, until all the other benefits have been exhausted. So we haven't changed the length. We haven't changed that. The total amount of benefits that someone can collect will be the same, but they won't collect it until the end of the period instead of the beginning. And the whole purpose of that is, it, you know, it helps the unemployed person get a little more skin in the game but it also gives us another \$104 million for our unemployment insurance trust fund, which could be critical if we have a period where we have to go to extended benefits and our taxpayers—(inaudible, background conversation) Thank you. Our taxpayers end up having to float bonds or put GR into that fund to help pay for all that. So—

Senator West: OK, let me, how long has this been the policy of the federal government?

Senator Williams: I don't know the answer to that. It's not a change. It's, we've been missing the boat on this for some time.

Senator West: What concerns me is that if a person is laid off and that's actively seeking employment and doing what they need to do in order to get their unemployment benefits, and they're the head of a household, you know, that one week may make the difference between being able to pay utility bills or being able to buy gas during the period when they're attempting to find employment. And, so I'm trying to figure out, you know, the benefit to someone that may very well need those dollars up front as opposed to having to exhaust all of their compensation benefits before being able to access those dollars, even though there may very well be some federal program that would allow additional dollars to be drawn down as a result.

Senator Williams: I understand your concern, Senator West, and, you know, what I'm trying to do here is, I think that we have, for some people, not for all, but for some of these people who are unemployed, we've created a perverse incentive for them to stay unemployed until that fourth week so they can collect that benefit and I think that the intent of the federal law, as I understand it from the work that we've done on this bill and the work that was done in the Business and Commerce Committee, is that that first week is, should be a deductible, and we're leaving a lot of money on the table that's going to affect Texas businesses, Texas taxpayers, and folks all over the state—

Senator West: Well when you say that, that it—

Senator Williams: And, so I think—

Senator West: Creates a perverse incentive, what do you mean by that?

Senator Williams: What I mean is that if you know that you cannot take that job for one more week because you're going to collect double benefits and the job's still going to be there for you, you've created incentive here for them to go ahead and take that first month off so that they can collect that extra week. That's the way it's set up now.

Senator West: OK, but, I mean, is that, do we have any examples that that is in fact occurring?

Senator Williams: There was testimony in Committee.

Senator West: From—

Senator Williams: Well there was from a number of groups. We've got, if we can look in the, let's, I can tell you, let's look in the bill, at the bill here—

Senator West: OK.

Senator Williams: It'll tell you who testified in Committee.

Senator West: We had Bill Hammond testify for, Ricky Levy against, and Steve Riley on. And—

Senator Williams: Right. And we had, there was Bill Hammond, Rick Levy, Steve Riley, and Will Newton were the folks that gave the testimony in Committee.

Senator West: And, so those persons, I assume, in testifying for, provided the examples, or what, or do you recall?

Senator Williams: Yeah. That was what was talked about in Committee and I think that what we're doing here is we're giving people an incentive to go back to work as soon as possible. The real proof in the pudding, Senator West, is that if you look at us and compare us to other states, you know, we have one of the most expensive unemployment programs in this state, and I think that with what Senator West, I mean, what Senator Fraser's done with his bill, a few minutes ago, on 1229 and this bill, that we're acting as good stewards of the state's tax dollars by making sure—

Senator West: When you say expensive, what do you mean? In terms of the total amount of dollars or benefits or what?

Senator Williams: Well the average duration of unemployment for Texas claimants is already higher, and I think that this is one of the reasons the average duration is higher is because of this incentive that we have in there. And, so if you look at, and this was talked about in Committee by the folks that gave the testimony, the other six states that we compare ourselves to all the time, who have this, they have shorter duration for unemployment and, you know, a less overall cost of the program for the employers, and there's a couple of reasons for that. One is that you're able to pull down a lot more federal money because of that and that helps hold the costs down for our Texas employers. And, you know, when we do that, I would rather them have that money, the employers, to spend that money on wages and trying to keep people at work, than paying unemployment insurance taxes.

Senator West: When you compare us to other states, is our unemployment rate higher or lower than those other states?

Senator Williams: I can't tell you that. I don't have the answer to that.

Senator West: And I don't know whether or not the function of having persons stay out longer is a result of just not having enough jobs in the State of Texas as opposed to people trying to game the system. And it may be a combination of both of them.

Senator Williams: Could be.

Senator West: You know, and, so from that vantage point, I would hate to see, and I have had constituents come to my office trying to find a job, wanting my help to help them try to find a job, and they're, they have been RIFed because the employers decided to, you know, reduce the workforce. And they are the head of the household receiving unemployment benefits. And, now what we're saying is, even though they are actively out there attempting to find employment, that we're going to cut off their ability to at least get one week of unemployment benefits until they have exhausted all of their unemployment benefits.

Senator Williams: That's exactly what we're doing.

Senator West: OK, well, I mean, and you may have the votes to do it, but I, and we agree on a lot of policy issues, we just disagree on this one.

Senator Williams: Thank you.

Senator Barrientos: Senator, is there a substitute to this bill?

Senator Williams: Yes, there is a committee substitute.

Senator Barrientos: It is not—

Senator Williams: Not that I've laid out today, it was a committee substitute in Committee.

Senator Barrientos: Well, then it should—

Senator Williams: The bill that's before us is the Committee Substitute to Senate Bill 788.

Senator Barrientos: And I was trying to find it in the book and we don't have it in the book.

Senator Williams: Well, mine was in here. I'll be glad to loan you my copy, if you want to take a look at it.

Senator Barrientos: Senator, thank you. First of all, let me ask you, Senator, the bill you said would pay that first week payment at the end.

Senator Williams: The total amount of benefits that would be received are the same and we had testimony in Committee that said the benefit—Could we have some order on the floor, please—So the testimony that we had in Committee, Senator Barrientos, is that by making the changes that you see in this bill, the total amount of benefits would not change, that it would be, we'd have one, it would be paid at the end instead of after the fourth week.

Senator Barrientos: Tell me—

Senator Williams: I don't know that you can tell that by reading the bill.

Senator Barrientos: Well, that's what I want to know.

Senator Williams: I can understand why—

Senator Barrientos: That's why I, that's what I want to know. I want to know where it says that the unemployed worker is going to receive that one week of unemployment insurance somewhere down the line. Where does it say that?

Senator Williams: Well, and that was the testimony that we had from the people at the Workforce Commission in Committee, and you'd have to look at the entire body of the law that deals with this to get that. It's just not a part of the bill that we have that is—(inaudible, overlapping conversation)

Senator Barrientos: It is your intention that the people get that money.

Senator Williams: It absolutely is.

Senator Barrientos: And I say to you that there is great question as to whether this does it. I say to you that I have information that this says they don't have to pay it at all.

Senator Williams: Well that's not the testimony that we had in the Committee and I'm just saying—

Senator Barrientos: Let me just put—

Senator Williams: I appreciate you bringing this up because if there is any question, I'd like for our conversation here—

Senator Barrientos: Yeah.

Senator Williams: To be put into the Journal. I'd welcome you to make a motion to have it reduced to writing and placed in the Journal, because it certainly is not my intent that they not be able to collect that benefit on the end.

Senator Barrientos: Right. First of all, I wanted to bring that out. Secondly, can you say more or less how much an unemployed worker would receive per week?

Senator Williams: I don't know the answer to that. Do you, can you tell me?

Senator Barrientos: I would, ballpark figures, depending on how much money they're getting paid, they only get paid a certain percentage of that. Maybe 40 percent. Let's just say for conversation's sake, \$400. Who does that money belong to?

Senator Williams: I don't know what you're asking. I mean, the money is paid from the unemployment insurance trust fund that employers pay into and it's a combination of state and federal money that funds that.

Senator Barrientos: So the worker who is out of work and by law has to be looking for a job, is the owner of that money because of the laws that we pass about unemployment insurance, right?

Senator Williams: I think that the worker, I wouldn't say that it belongs to them, I would say that it's a part of that trust and that we have required employers to pay into that fund and to meet the public policy goal we have of helping people who are unemployed while they're looking for work.

Senator Barrientos: Right.

Senator Williams: I wouldn't say that that employee has any rights, and even if they did, if you wanted to argue that, well, we're not changing that amount of money that they're eligible for, what we're doing is making sure that we don't have people who are just waiting so they can collect that extra week. I don't think they'd wait around till they'd exhausted all their benefits, and we're bringing our unemployment policy in line with 29 other states so that we can maximize the amount of federal money that we pull down for that unemployment—

Senator Barrientos: I understand.

Senator Williams: Insurance trust fund.

Senator Barrientos: And you're correct in everything you've said. Let me get to my question.

Senator Williams: Sure.

Senator Barrientos: If we say, worker, you're unemployed and you're out actively looking for a job, in the meantime, here's a percentage of the money that you might have earned in order to keep you going until you get a job. That money would have been put into his pocket, right? And that money he could use to pay for something, food, whatever, put it in the bank. Now in terms of that first week's money that you say they're going to get down the line somewhere, and I disagree with, from the wording of the substitute, do you know how, for example, how much it costs to turn on your electricity in your home after it's been cut off, Senator?

Senator Williams: No, Sir. I don't know.

Senator Barrientos: Do you know how much it costs to turn back on your water when it's been cut off, Senator?

Senator Williams: I don't know. No, I've not ever had my water or my electricity cut off, so I don't know.

Senator Barrientos: You know about how much it costs for, if you've got a car payment of a couple hundred bucks a month, how much the late fee is, Senator?

Senator Williams: It can vary, but it's substantial. And I understand where you're going with this, Senator Barrientos. And what we're trying to do here is make sure that that first week is treated as federal law intended it to be treated when this program was set up, so that we can have a plan that's affordable and, hopefully, by removing this incentive to stay off work for four weeks, we will see a reduction in the duration of unemployment benefits collected in the State of Texas.

Senator Barrientos: Finally, my question, because I don't want to take any more time, that money would have been paid to the worker and it may be held for a week, two weeks, three weeks, seven weeks, you said you didn't know. In the meantime, are we paying interest on that money or is the State of Texas just being the bank for the worker without a job and not paying them interest on that money that belongs to them?

Senator Williams: Is the state not paying an interest?

Senator Barrientos: Yes.

Senator Williams: No. They're not.

Senator Barrientos: It's not a good bank for the worker, is it?

Senator Williams: I—

Senator Barrientos: I think that you should look to see about your intentions, because your intentions are good, but I don't think that bill does what you're saying it's doing. Let's check it.

Senator Williams: Well, OK. Thank you, Senator Barrientos.

Senator Lucio: Members, I think, as a Member of the Business and Commerce Committee and one who did not support this piece of legislation coming out, I should restate some of the concerns that I have, and more importantly, note, Senator Williams, that I seldom get up to speak against a motion to suspend. I can't remember the last time I did so, as a matter of fact. But, Members, currently, once again, claimants are paid the first week's benefits after they receive three weeks of benefits. The Committee Substitute for Senate Bill 788 repeals all of 207.021(c) and the effect is to completely remove the unemployment payment for the first week, the waiting week. This is even worse for unemployed people than the filed version. The substitute will save the unemployment insurance trust fund money because we will never pay the first week of unemployment insurance benefits. So why not have this money, and I agree with those that have concerns with this bill, why not have this money in the hands of the people who need it to pay for rent, utilities, and food? That's the question that comes to mind. Why not have the proposed savings of \$52 million circulate in the economy instead of having it sit in a government bank account? It's not like the employers of Texas are going to get a \$52 million refund for unemployment insurance. Employers will still, and I repeat, they will still pay the same in unemployment insurance taxes. Now I believe that Senator Williams, in his explanation, was touching on the original bill and not the substitute, which I believe is, it's not as good as the original, quite frankly. And in terms of the money that might be drawn down by the federal government, I think that's obviously a good issue. But, you know, we have, in years past failed to call a special session, Senator Williams, I don't believe you were in the Senate at the time, that, where we lost hundreds of millions of dollars for the CHIP program and other issues that, unfortunately, we have not stood up to be counted on. So with all due respect to you, because I certainly appreciate you as a colleague in the Business and Commerce Committee, I appreciate your work ethic, and I know that you're trying, in your belief, trying to do the right thing, I will ask the Members to please look carefully at what we're doing with this bill. Because, quite frankly, we're eliminating any possibility of those in our state that are more in need, not to be able to have the resources they need desperately to be able to get along.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Poteet High School in Poteet, accompanied by their teachers, Annette Anderson, Barbara Shelton, Thomas Reed, Sharon Coker, Andrea McBride, Amanda Wimmer, and Mike Donovan.

The Senate welcomed its guests.

SENATE BILL 567 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 567** at this time on its second reading:

SB 567, Relating to requiring a taxing unit to include in the public notice of a hearing on the adoption of an ad valorem tax rate certain information relating to the taxing unit's budget and appraisal roll.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

SENATE BILL 567 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 567**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 567** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

(Senator Shapiro in Chair)
COMMITTEE SUBSTITUTE
SENATE BILL 1282 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1282** at this time on its second reading:

CSSB 1282, Relating to insurance and regulatory requirements for certain amusement rides.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1282** as follows:

Strike SECTION 2, New Subsection (C) and replace with a new Subsection (C) to read as follows:

(C) A challenge course or any part of a challenge course is not considered an amusement ride subject to regulation under this chapter if the person who operates the challenge course has an insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course, in an amount not less than:

(1) for facilities with a fixed location:

(i) \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or

(ii) a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and

(2) for facilities other than those with a fixed location:

(i) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or

(ii) \$1,500,000 per occurrence combined single limit.

The amendment to **CSSB 1282** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1282 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1282 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1282**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1282** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
April 22, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 101, Relating to efficiently administering and electronically monitoring certain veterans' and dependents' tuition exemptions at institutions of higher education.

SB 235, Relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.

SB 245, Relating to local government authorization of charitable solicitation by a pedestrian.
(Amended)

SB 348, Relating to the availability of judges and magistrates for proceedings related to chemically dependent persons.

SB 523, Relating to the regional emergency medical dispatch resource center pilot program.

SB 524, Relating to the creation of a county court at law in Cass County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1193 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1193** at this time on its second reading:

SB 1193, Relating to the service areas of the Alamo Community College District and the Austin Community College District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

COMMITTEE SUBSTITUTE SENATE BILL 1655 ON SECOND READING

On motion of Senator Staples and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1655** at this time on its second reading:

CSSB 1655, Relating to settlement and discovery in property tax appeals.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1655 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1655** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1655**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1655** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 533 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 533** at this time on its second reading:

CSSB 533, Relating to this state's goal for renewable energy.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos, Harris, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 533 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Harris, Van de Putte.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 533**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 533** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Gallegos, Harris, Van de Putte.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 15, SB 121**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:14 p.m. agreed to adjourn, in memory of Henry Van de Putte, Sr., father-in-law of Senator Van de Putte, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, April 25, 2005.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 137** to Committee on Transportation and Homeland Security.
- HB 182** to Committee on Jurisprudence.
- HB 197** to Committee on Criminal Justice.
- HB 409** to Committee on Health and Human Services.
- HB 467** to Committee on Natural Resources.
- HB 549** to Committee on Criminal Justice.
- HB 746** to Committee on Criminal Justice.
- HB 809** to Committee on Finance.
- HB 823** to Committee on Criminal Justice.
- HB 854** to Committee on State Affairs.
- HB 878** to Committee on Education.
- HB 941** to Committee on Business and Commerce.
- HB 1056** to Committee on Intergovernmental Relations.
- HB 1138** to Committee on State Affairs.
- HB 1239** to Committee on Criminal Justice.
- HB 1324** to Committee on Criminal Justice.
- HB 1371** to Committee on Criminal Justice.
- HB 1614** to Committee on State Affairs.
- HB 1642** to Committee on Jurisprudence.
- HB 1686** to Committee on Jurisprudence.
- HB 1913** to Committee on Intergovernmental Relations.
- HB 1982** to Committee on Business and Commerce.
- HB 2134** to Committee on Transportation and Homeland Security.
- HB 2197** to Committee on Criminal Justice.
- HB 2474** to Committee on Jurisprudence.
- HB 2958** to Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

- SR 672** by Ellis, In memory of Frankie Reid Neal Moore of Houston.

Congratulatory Resolutions

- SCR 31** by Seliger, Recognizing Amarillo and the Texas Panhandle for their observance of the National Day of Prayer.
- SR 673** by Ellis, Recognizing Christina Marsh and Russell E. Taylor III of Austin on the occasion of their wedding.
- SR 675** by Brimer, Recognizing Nicholas M. Romano on the occasion of his retirement.

Official Designation Resolutions

SR 671 by Ellis, Proclaiming April 27, 2005, Dr. Doris M. Jackson Day in Houston.

SR 676 by Barrientos, Recognizing April 24, 2005, as Armenian Martyrs' Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:16 p.m. adjourned, in memory of Henry Van de Putte, Sr., father-in-law of Senator Van de Putte, until 1:30 p.m. Monday, April 25, 2005.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 22, 2005

HEALTH AND HUMAN SERVICES — **CSSB 990, CSSB 1239**

CRIMINAL JUSTICE — **SB 956, SB 1469, SB 1791**

EDUCATION — **CSSB 927, SB 1037, SB 1300 (Amended), CSSB 1528, CSSB 1553, SCR 27**

BUSINESS AND COMMERCE — **CSSB 305, CSSB 624, CSSB 707, CSSB 711, CSSB 712, CSSB 918, CSSB 1096, CSSB 1100, CSSB 1142, CSSB 1159**

INTERGOVERNMENTAL RELATIONS — **CSSB 1018, CSSB 1198, CSSB 1199, CSSB 1214, CSSB 1596, CSSB 1589, CSSB 1669, CSSB 1850, CSSCR 16, CSSCR 18, CSSCR 19**

JURISPRUDENCE — **SB 1832, SB 1275, SB 1049, SB 1654, SB 1578**

FINANCE — **SB 1693, HB 1489**

ADMINISTRATION — **CSSB 1009**

NATURAL RESOURCES — **CSSB 967, CSSB 455, SB 1824, CSSB 1175, CSSB 1741, CSSB 1849, CSSB 1170, SB 806, SB 1519, SB 1847, SB 1823, SB 1848, SB 804, SB 1658, SB 1044, HB 1099, HB 932, HB 708, HB 760**

CRIMINAL JUSTICE — **CSSB 905**

NATURAL RESOURCES — **HB 901**

EDUCATION — **CSSB 190**

ADMINISTRATION — **CSSB 1161, CSSB 1011**

NATURAL RESOURCES — **CSSB 454, CSSB 1311, CSSB 1537, CSSB 1667, CSSB 1826**

SENT TO GOVERNOR

April 22, 2005

SB 148, SB 239, SB 581

SIGNED BY GOVERNOR

April 22, 2005

SB 267

